

**Testimony of Congressman Bill Johnson (OH-6)
Before the Committee on Appropriations
Subcommittee on Homeland Security
United States House of Representatives
April 26, 2018**

Thank you, Mr. Chairman, for holding this important hearing today, and providing me with an opportunity to say a few words. As some of you might know, I represent rural Eastern and Southeastern Ohio, and I am here today to speak about the importance of resolving the current H-2B visas shortage directly impacting small and seasonal businesses in my district, and around the country.

Earlier this month, in her testimony before this subcommittee, Secretary Kirstjen Nielsen stated that one of the core missions of the Department of Homeland Security is to preserve and uphold the nation's prosperity and economic security. Unfortunately, this critical mission continues to be impeded every year, as the demand for H-2B visas surpasses the annual cap, leaving thousands of small seasonal businesses in jeopardy of closing their doors when their labor needs go unfulfilled.

Our nation's prosperity and economic security is highly dependent on the quantity and quality of workers, and with nearly 6 million unfilled jobs across the United States, it should come as no surprise that businesses continue to suffer from this nationwide labor shortage when it comes to meeting their seasonal needs.

Put simply, seasonal businesses need the resources to do the jobs that are available and the federal H-2B program provides a solution to the current labor shortage by enabling companies

that qualify for the H-2B program to acquire temporary foreign workers to fill non-agricultural positions.

The H-2B program is a small, but necessary part of the American economic landscape, helping to create and sustain jobs in my district and across the country. According to a U.S. Chamber of Commerce survey of employers, hiring H-2B workers allows companies to sustain and expand the volume of business they do, and this in turn enables them to hire more U.S. workers.

This temporary worker program is critical for many seasonal businesses, but it is by no means perfect. As the nationwide labor shortage continues, the seasonal businesses relying on the H-2B program are facing yet another challenge when it comes to obtaining the necessary workforce—the current demand for H-2B visas has again surpassed the annual cap of 66,000 per fiscal year.

Now, I fully acknowledge that Congress bears some responsibility for this problem...because, up until 2016, employers could get an exemption for returning guest workers, thereby not counting against the caps. That exemption expired in 2016, and Congress has not been able to reauthorize it. But, in the recently passed Consolidated Appropriations Act for fiscal year (FY) 2018, Congress did give DHS the authority to increase the caps by another 63,000...and, DHS should do that.

On March 1, 2018, the U.S. Citizenship and Immigration Services (USCIS) announced that employers sought several thousand more seasonal foreign workers this spring than there are visas available, resulting in a lottery for the H-2B visas—the first time a lottery has ever conducted for

H-2B visas. Such a lottery method gives no consideration to the many small seasonal businesses that have had returning guest workers for years, and their business models have made them dependent on this work force for their very survival.

We are in uncharted waters when it comes to the federal H-2B program, and in order to carry out its mission to preserve and uphold the nation's prosperity and economic security, Secretary Nielsen must provide these businesses with a substantial H-2B cap relief. Small and seasonal businesses are desperate, as participation in the H-2B program is not their first choice—it's a last resort after unsuccessfully carrying out extensive recruitment efforts to secure American workers.

My district is home to many amusement and landscaping companies that will face irreparable harm if the Department of Homeland Security does not provide immediate H-2B cap relief. In fact, 66 percent of business' seasonal labor needs will go unfulfilled this spring without immediate action, according to the Ohio Landscape Association. In fact, without substantial and immediate cap relief, some of the very same small businesses that we worked so hard to help with the Tax Cuts and Jobs Act are at risk of losing everything because they can't get their workers.

One of my constituents, Chris Ponzani of The Ponzani Landscaping Company, will be unable to meet his business obligations and will be forced to default on his contracts, lay off dedicated full-time U.S. workers, cancel orders with U.S. vendors, and in the worst case scenario, he will have to close his 27-year business—if additional H-2B visas are not released. This is just one of many

seasonal businesses in my district that are facing the same uncertain future because they can't obtain a legal H-2B workforce.

I know Members on this committee are no strangers to stories like this, as similar stories have emerged in states and districts across America. So, I am hopeful everyone here can agree when I say: we need immediate, substantial H-2B cap relief and we must do everything we can to urge Secretary Nielsen and the Department of Homeland Security to make additional H-2B visas available to the small and seasonal businesses in our districts.

Mr. Chairman, I yield back my time.